IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1975

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SUPREME COURT, U.S.

No. 75-88

CASPAR W. WEINBERGER, SECRETARY OF HEALTH, EDUCATION AND WELFARE,
APPELLANT

V.

RUBY M. LUCAS, ET AL

APPELLEE

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The Respondent, Belmira Lucas, as mother and next friend of Ruby M. Lucas and Darin E. Lucas, asks leave to file the attached Motion to Affirm to the Supreme Court of the United States without prepayment of costs and to proceed in forma pauperis pursuant to Rule 53.

The Respondent's Affidavit in support of this Motion is attached hereto.

Thomas W. Pearlman

THOMAS W. PEARLMAN,
Counsel for Respondent
812 Industrial Bank Building
Providence, R. I. 02903

CERTIFICATION

I, hereby certify that I did notify the following persons of the pendency of the within Motion by mailing a copy hereof, postage prepaid to: Attorneys Robert H. Bork, Rex E. Lee, William Kanter and Robert S. Greenspan, at the Department of Justice, Washington, D. C. 20530, this 26th day of August, 1975.

Thomas W. Pearlman

LAW OFFICES OF
PEARLMAN & VOGEL
111 WESTMINSTER STREET
PROVIDENCE, R. I. 02903

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AFFIDAVIT

I, Belmira Lucas, as mother and next friend of Ruby M. Lucas and Darin E. Lucas, being first duly sworn according to law, depose and say, in support of my motion for leave to proceed without being required to prepay costs or fees:

1. I am the mother and next friend of the Respondents in the above entitled case.

2. Because of the poverty of myself and said children, we are unable to pay the costs of said cause.

3. We are unable to give security for the same and afford the defense of the appeal to the U. S. Supreme Court.

4. We believe that we are entitled to the redress sought in said case, having won in the United States District Court of Rhode Island.

5. The nature of said cause is briefly stated as follows

> The right of illegitimate children not to be discriminated against as a class by reason of their birth as set forth in Jimenez v. Weinberger, 417 U.S. 628 (1974).

Belmira Lucas

Duly witnessed and sworn to before me, a Notary Public, this 25th day of August, 1975.

NOTARY PUBLIC

My commission expires June 30, 1976.

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RUBY M. LUCAS, ET AL

APPELLEE

ON DIRECT APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

MOTION TO AFFIRM UNDER RULE 16

Appellees pursuant to Rule 16 of the Rules of the Supreme Court of the United States, move that the final judgment and decree of the District Court of Rhode Island be affirmed on the ground that the question is so unsubstantial as to not warrant further argument.

Thomas W. Pearlman

THOMAS W. PEARLMAN,
Attorney for Appellee
812 Industrial Bank Building
Providence, Rhode Island 02903

CERTIFICATION

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